

HOW TO FILE AN ADMIRALTY CLAIM

Lawsuits: Suits against the United States based upon maritime torts committed by agents or employees of the U.S. Navy, or for damages caused by a U.S. Navy vessel, must be brought under either the Suits in Admiralty Act, 46 U.S.C. §§ 30901 *et seq* (2009), or the Public Vessels Act, 46 U.S.C. §§ 31101 *et seq* (2009).

Administrative Claims: The Secretary of the Navy has authority pursuant to 10 U.S.C. § 7622 (2009), to settle admiralty claims where legal liability exists and the matter is not in litigation. The Secretary's authority is subject to a two-year limitation period, which is not extended by the filing of a claim or by any correspondence or negotiations related to a claim. The Admiralty and Maritime Law Division of the Office of the Judge Advocate General is responsible for adjudicating all admiralty tort claims arising from the operation of Department of the Navy vessels or otherwise involving the activities of Department of the Navy personnel on navigable waters. The Division also adjudicates maritime salvage claims. Claims procedures are more fully described in Part 752 of Title 32 of the Code of Federal Regulations.

Examples of admiralty claims include those for damage to vessels, piers, dolphins, buoys, fenders, marinas, shore side equipment, and fishing gear. Claims for injury or death include those by ship visitors, ship repairmen, stevedores, contractors, and the passengers and crew of other vessels. Damage or injury caused by the operation of aircraft embarked on U.S. Navy vessels may also result in admiralty claims.

In filing an admiralty claim, no particular form is required. However, a claim must be in writing and signed by the claimant or the claimant's designated representative. It must state the basis for U.S. Navy responsibility and include a specific claim amount. The claimant bears the burden of providing evidence from which Navy liability and the full measure of damage can be determined. Therefore, all substantiating information should be included with the claim. Depending upon the nature of the claim this could include charts, diagrams, photographs, damage survey reports, repair estimates, replacement cost estimates, purchase receipts, fish catch records, and relevant medical/employment records. The claim may be mailed, faxed, or sent as an attachment in an email.

Mailing Address:

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If you have questions, you may contact us by email or by phone at 202-685-5040. We are not authorized to provide legal advice regarding the claim, but will be able to assist in the filing process.